

TRAFLET & FABIAN

ATTORNEYS AT LAW

Carriage Court Two

264 South Street

MORRISTOWN, NEW JERSEY 07960

(973) 631-6222

ATTORNEYS FOR Defendant

General Electric Company

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TRAFALGAR ASSOCIATES,

Plaintiff,

-vs-

GENERAL ELECTRIC COMPANY, and
ABC CORPORATION,

Defendants.

CIVIL ACTION NO.

NOTICE OF REMOVAL PURSUANT TO
28 U.S.C. §1446(a)

(Document Electronically Filed)

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY:**

Petitioner/Defendant General Electric Company ("GE"), by its attorneys, Traflet & Fabian, files this Notice of Removal Pursuant to 28 U.S.C. §1446(a) of this action from the Superior Court of New Jersey, Law Division, Middlesex County, in which it is now pending, to the United States District Court for the District of New Jersey.

1. GE is a named defendant in the matter entitled Trafalgar Associates v. General Electric Company and ABC Corporation, Docket Number MID-L-3458-06, commenced in the Superior Court of New Jersey, Law Division, Middlesex County by the filing of a Summons and Complaint (the "State Court Action"). A true and correct copy of the Summons and Complaint is attached hereto and identified as **Exhibit A**.

2. This is a civil action in which Plaintiff seeks, among other things, money damages from Petitioner/Defendant for property damage that allegedly resulted from a fire that occurred at Plaintiff's property on or about November 1, 2004. Based upon information provided by Plaintiff, the damages at issue in this action are in excess of \$75,000. A true and correct copy of the damages information provided by Plaintiff is attached hereto and identified as **Exhibit B**.

3. The Complaint in the State Court Action was filed with the Clerk's Office of the Superior Court of New Jersey, Middlesex County vicinage, on May 3, 2006. Petitioner/Defendant GE was served with the Summons, Complaint, Track Assignment Notice and Initial Interrogatories on June 5, 2006. A true copy of the Notice of Service of Process is attached hereto as **Exhibit C**.

4. The Summons, Complaint, Track Assignment Notice, Initial Interrogatories and Notice of Service of Process represent all process and pleadings received by GE. To GE's knowledge no hearings or other proceedings have taken place in this action.

5. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332 because: (a) the amount in controversy exceeds \$75,000, exclusive of interest and costs; and (b) this suit involves a controversy between citizens of different states.

6. At the time the Complaint was filed, plaintiff Trafalgar Associates was and is now a New Jersey corporation with its principal place of business at 34 Minebrook Road, Edison, New Jersey. Trafalgar Associates is not incorporated in any state other than New Jersey, and has no principal place of business other than 34 Minebrook Road, Edison, New Jersey.

7. At the time the Complaint was filed, GE was and is now a New York corporation with its principal place of business at 3135 Easton Turnpike, Fairfield, Connecticut. GE is not incorporated in any state other than New York, and has no principal place of business other than 3135 Easton Turnpike, Fairfield, Connecticut.

8. Because Plaintiff has diverse citizenship from the only named Defendant and the amount in controversy, exclusive of interest and costs, exceeds \$75,000, the removal of this case to Federal Court is proper on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1441(b).

9. Petitioner/Defendant GE is filing this Notice of Removal within thirty (30) days of receipt by GE of the Summons and Complaint. The state court action may, therefore, be removed to this Court by Petitioner/Defendant pursuant to 28 U.S.C. § 1446(b).

10. Concurrent with the filing of this Notice with the Court, Petitioner/Defendant GE has also provided written notice of the filing of the instant Notice to the Plaintiff through its attorney of record in the State Court Action and to the Clerk of the Court in the State Court Action, as required by 28 U.S.C. §1446(d).

WHEREFORE, Petitioner/Defendant GE requests that the foregoing action be removed from the Superior Court of New Jersey, Law Division, Middlesex County, to the United States District Court for the District of New Jersey.

s/ Stephen G. Traflet

STEPHEN G. TRAFLET

TRAFLET & FABIAN

264 South Street

Morristown, NJ 07960

(p) 973.631.6222

(f) 973.631.6226

staflet@trafletfabian.com

Attorneys for Petitioner/Defendant
General Electric Company

Dated: June 29, 2006

TRAFLET & FABIAN
Attorneys at Law
Carriage Court Two
264 South Street
Morristown, NJ 07960
(973) 631-6222
Fax (973) 631-6226

EXHIBIT A

SACHS, MAITLIN, FLEMING & GREENE
EIGHTY MAIN STREET
WEST ORANGE, NEW JERSEY 07052
TEL. (973) 731-3400
FAX (973) 731-2896
ATTORNEYS FOR PLAINTIFF TRAFALGAR ASSOCIATES
OUR FILE NO. 23972

DULY SERVED

DATE 6/5/06

Ke. C. Larkin, Sheriff

BY [Signature]
Special Deputy

Trafalgar Associates

Plaintiff,

v.

General Electric Company
and
ABC Corporation (a fictitious name)
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : MIDDLESEX
COUNTY

Docket No. MID-L-3458-06

CIVIL ACTION

SUMMONS

From The State of New Jersey
To The Defendant Named Above:

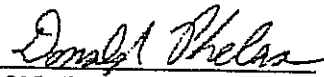
The plaintiffs, named above, have filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the day you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) A \$135.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you not file and serve a written answer or motion within 35 days, the court may enter a judgment against your for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize you money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not

eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: May 26, 2006


DONALD F. PHELAN,
Clerk of the Superior Court

Name of defendant to be served:
Address for service:

General Electric Company
General Electric Company
c/o Corporation Trust Company
Managing Agent for General Electric Company
820 Bear Tavern Road
West Trenton, New Jersey 08628

APPENDIX XII-A

Local Filing Office, Courthouse
175 South Broad St., P.O. Box 8068
Trenton, NJ 08650

(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House, 71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1262

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
Court House, 413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010

Note: Adopted July 13, 1994, effective September 1, 1994; amended June 28, 1996, effective Sep-
tember 1, 1996; amended July 1, 1999, effective September 1, 1999;

SUMMONS

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main St.
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House
1 North Broad Street., P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House - 1st Floor
583 Newark Ave.
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08862

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

SACHS, MAITLIN, FLEMING & GREENE
EIGHTY MAIN STREET
WEST ORANGE, NEW JERSEY 07052
TEL. (973) 731-3400
FAX (973) 731-2896
ATTORNEYS FOR PLAINTIFF TRAFALGAR ASSOCIATES
OUR FILE NO. 23972

Trafalgar Associates

Plaintiff,

v.

General Electric Company
and
ABC Corporation (a fictitious name)
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : MIDDLESEX
COUNTY

Docket No.

L-3458-06

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, TRAFALGAR ASSOCIATES with its address at 34 Minebrook Road, Edison, Middlesex County, New Jersey, 08820, by way of Complaint against the defendants, GENERAL ELECTRIC COMPANY says:

Count One

1. On or about November 1, 2004 and prior thereto, plaintiff TRAFALGAR ASSOCIATES, was the owner of apartment complexes located at 34 Minebrook Road, Edison, Middlesex County, New Jersey, 08820.
2. On and prior to the date aforesaid defendant, GENERAL ELECTRIC COMPANY, a corporation duly organized and existing under the laws of the State of New York with its principal place of business located at 3135 Easton Turnpike Fairfield, CT, 06828-0001, manufactured and designed home appliances refrigerators, freezers, ranges, dishwashers, washing machines, dryers, and other appliances which were sold and distributed in the State of

New Jersey. One line of refrigerators GE Company designed, manufactured, sold, and distributed was the Hotpoint® series.

3. On or about the aforesaid date, plaintiff, TRAFALGAR ASSOCIATES, owned a GE Hotpoint refrigerator designed or manufactured by GE which was utilized in apartment 116B, at the aforesaid address.

4. Defendant GENERAL ELECTRIC COMPANY, its agents, servants and/or employees acting within the scope and course of their employment, defectively designed and/or manufactured Hotpoint refrigerators before it sold and/or distributed such refrigerators in the stream of commerce, for which it is strictly liable under the New Jersey Products Liability Act, N.J. Stat. Ann §2A:58C-1, *et seq.*

5. As a result of the defective design and/or manufacture of the aforesaid refrigerator and its sale and/or distribution into the stream of commerce to Plaintiff, a fire was caused at the aforesaid apartment, causing extensive property damage and causing other damages as well.

WHEREFORE, plaintiff, TRAFALGAR ASSOCIATES, demands judgment for damages against the defendant, GENERAL ELECTRIC COMPANY, together with interest and costs of suit, and any other relief that the Court deems just.

Count Two

1. The plaintiff repeats each and every allegation of Count One of the Complaint as if specifically set forth herein at length.

2. The defendant ABC Corporation, is the fictitious name of a company which designed, manufactured, sold, or distributed a component part or parts of GE's Hotpoint refrigerators.

3. The aforesaid component part designed, manufactured, sold, or distributed was defectively designed or manufactured and then sold or distributed in the stream of commerce, for which it is strictly liable under the New Jersey Products Liability Act, N.J. Stat. Ann §2A:58C-1, *et seq.*

4. As a result of the defective design or manufacture of the aforesaid component part or parts and its sale or distribution into the stream of commerce to Plaintiff, a fire was caused in Plaintiff's aforesaid apartment, causing extensive damage to the plaintiff's property and causing other damages as well.

WHEREFORE, plaintiff, TRAFALGAR ASSOCIATES, demands judgment for damages against the defendant, ABC CORPORATION, together with interest and costs of suit, and any other relief that the Court deems just.

Jury Demand

Plaintiff, TRAFALGAR ASSOCIATES, demand a trial by jury as to all issues.

Designation of Trial Counsel

Pursuant to Rule 4:25-4, Glenn A. Farrell, Esq., is hereby designated trial attorney on behalf of plaintiff in the within matter.

Certification

Pursuant to R. 4:5-1, this is to certify that to the best of our knowledge, the within matter is not the subject of any other action pending in any court or arbitration proceeding and none is contemplated.

SACHS, MAITLIN, FLEMING, & GREENE
Attorneys For Plaintiff, TRAFALGAR ASSOCIATES.

By Christopher Perez
CHRISTOPHER PEREZ, ESQUIRE

Dated: May 1, 2006

MIDDLESEX COUNTY SUPERIOR COURT
P O BOX 2633
1 JFK SQUARE
NEW BRUNSWICK NJ 08903

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 981-3301
COURT HOURS

DATE: MAY 04, 2006
RE: TRAFALGAR ASSOCIATES VS GENERAL ELECTRIC CO
DOCKET: MID L -003458 06

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON ARTHUR BERGMAN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 981-3306.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: CHRISTOPH E. PEREZ
SACHS MAITLIN FLEMING GM&M
80 MAIN STREET
WEST ORANGE NJ 07052

JUBNK

EXHIBIT B

SACHS, MAITLIN, FLEMING & GREENE

ALLAN MAITLIN
RAYMOND J. FLEMING
PETER A. GREENE
PHILIP B. HARRISON
DAVID E. MAITLIN
CHRISTOPHER KLABONSKI
MATTHEW N. RANKIN
MAUREEN B. FLANNERY
SHEILA N. OSEI
CHRISTOPHER PEREZ
MARGARET S. STEFANDL

COUNSELLORS AT LAW
EIGHTY MAIN STREET
WEST ORANGE, NEW JERSEY 07052
(973) 731-3400
FAX (973) 731-2896

HAROLD D. FEUERSTEIN
(1933-1967)

**MARVIN A. SACHS
OF COUNSEL**

GLENN A. FARRELL
COUNSEL

June 22, 2006

VIA LAWYERS SERVICE

Stephen G. Traflet, Esq.
Carriage Court Two
264 South Street
Morristown, New Jersey 07960

Re: Trafalgar Associates v. General Electric Company, *et al*
Docket No.: MID-L-3458-06
Our File No: 23972

Dear Mr. Traflet:

The total amount of damages in this matter is \$85,885.39 which includes property damage and loss of rents.

Please call me at (973) 325-6615 if you wish to discuss this matter.

Thank you.

Very Truly Yours,



CHRISTOPHER PEREZ

EXHIBIT C

CT CORPORATION
A WoltersKluwer Company

**Service of Process
Transmittal**
06/05/2006
Log Number 511209653

TO: Karen Selavka
General Electric Company
PO # 111-003702, Corp Legal Dept
3135 Easton Tnpk
Fairfield, CT, 06431

JUN 08 2006

RE: Process Served in New Jersey

FOR: General Electric Company (Domestic State: NY)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Trafalgar Associates, Pltf. vs. General Electric Company and ABC Corporation, Dfts.
DOCUMENT(S) SERVED:	Summons, Complaint and Jury Demand, Track Assignment Notice, Plaintiff's Initial Interrogatories as to General Electric Company
COURT/AGENCY:	Middlesex County, Superior Court of New Jersey, Law Division, Middlesex, NJ Case # MID-L-3458-06
NATURE OF ACTION:	Product Liability Litigation - Manufacturing Defect - Plaintiff alleges that a certain GE Hotpoint Refrigerator is defective.
ON WHOM PROCESS WAS SERVED:	The Corporation Trust Company, West Trenton, NJ
DATE AND HOUR OF SERVICE:	By Process Server on 06/05/2006 at 09:45
APPEARANCE OR ANSWER DUE:	35 days
ATTORNEY(S) / SENDER(S):	Christopher Perez Sachs, Maitlin, Fleming & Greene Eighty Main Street West Orange, NJ, 07052
ACTION ITEMS:	SOP Papers with Transmittal, via Fed Ex 2 Day, 790945859608 Email Notification, Karen Selavka KAREN.SELAVKA@CORPORATE.GE.COM
SIGNED:	
PER:	The Corporation Trust Company Tyeasha Weaver
ADDRESS:	820 Bear Tavern Road 3rd Floor West Trenton, NJ, 08628
TELEPHONE:	609-538-1818

Page 1 of 1 / LS

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.